

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD J. ALLISON,

Plaintiff,

v.

STEIN FORENSICS UNIT,

Defendant.

Case No. 2:21-cv-02025-RFB-BNW

ORDER

I. DISCUSSION

On November 9, 2021, Plaintiff, an inmate currently located at Southern Nevada Adult Mental Health Services, submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has not submitted a complaint in compliance with Local Special Rule 2-1 or an application to proceed *in forma pauperis* or paid the full \$402 filing fee in this matter.

Complaint

The Court notes that Plaintiff's document at ECF No. 1-1 does not comply with Local Special Rule 2-1 ("LSR 2-1"). Under LSR 2-1, a civil rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by the court or must be legible and contain substantially all the information called for by the court's form. As such, the Court grants Plaintiff a **one-time** extension until on or before **January 28, 2022** to submit complaint to the Court in compliance with LSR 2-1. The Court will also provide Plaintiff a copy of the Court's § 1983 complaint form with instructions.

Application to Proceed in Forma Pauperis

Plaintiff has not filed an application to proceed *in forma pauperis* or paid the full \$402 filing fee in this matter.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate

1 to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis*
 2 status, the inmate must submit all three of the following documents to the Court:

3 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this
 4 Court's approved form (i.e., pages 1 through 3 with the inmate's two signatures on
 5 page 3),

6 (2) a **Financial Certificate** properly signed by both the inmate and a facility or jail
 7 official (i.e., page 4 of this Court's approved form), and

8 (3) a copy of the **inmate's facility or jail trust fund account statement for the**
 9 **previous six-month period**. If Plaintiff has not been at the facility a full six-month
 10 period, Plaintiff must still submit an inmate account statement for the dates he has
 11 been present at the facility.

12 In the event Plaintiff is having difficulty obtaining the required financial certificate and
 13 inmate account statement for the previous six-month period from facility officials, Plaintiff
 14 shall file a declaration detailing when he requested the documents, who he spoke to about
 15 the status of the documents, who he followed up with after he did not receive the
 16 documents, and their responses. Plaintiff's declaration shall include dates of his requests,
 17 dates of his follow-up requests, names of the facility officials that he spoke to about the
 18 matter, and their responses. If Plaintiff's declaration demonstrates that he has done all that
 19 was possible to acquire the documents from facility officials, the Court will consider his
 20 application to proceed *in forma pauperis* complete.¹

21 Accordingly, the Court grants Plaintiff a **one-time extension** until on or before
 22 **January 28, 2022** to file a fully complete application to proceed *in forma pauperis*
 23 containing all three of the required documents or, alternatively, the first three pages of the
 24 application to proceed in forma pauperis and a declaration detailing the efforts he took to

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 26 ¹ Plaintiff must still submit the first three pages of the application to proceed *in forma pauperis* on this Court's
 27 approved form with his declaration. If Plaintiff does not submit the first three pages of the application to proceed *in*
 28 *forma pauperis* with the declaration, the Court will recommend dismissal of this case without prejudice for Plaintiff to
 open a new case when he is able to acquire the required documents.

1 acquire the financial certificate and inmate account statement from facility officials. Absent
2 unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff
3 does not file a fully complete application to proceed *in forma pauperis* with all three required
4 documents or, alternatively, the first three pages of the application to proceed *in forma*
5 *pauperis* and a declaration detailing the efforts he took to acquire the financial certificate
6 and inmate account statement from facility officials on or before **January 28, 2022**, the
7 Court will recommend dismissal of this case without prejudice for Plaintiff to file a new case
8 with the Court when Plaintiff is able to acquire all three of the documents needed to file a
9 fully complete application to proceed *in forma pauperis* or, alternatively, the first three pages
10 of the application to proceed *in forma pauperis* and a declaration detailing the efforts he
11 took to acquire the financial certificate and inmate account statement from facility officials.

12 A dismissal without prejudice means Plaintiff does not give up the right to refile the
13 case with the Court, under a new case number, when Plaintiff has all three documents
14 needed to submit with the application to proceed *in forma pauperis* or, alternatively, the first
15 three pages of the application to proceed *in forma pauperis* and a declaration detailing the
16 efforts he took to acquire the financial certificate and inmate account statement from facility
17 officials. Plaintiff may choose not to file an application to proceed *in forma pauperis* and
18 instead pay the full filing fee of \$402 on or before **January 28, 2022** to proceed with this
19 case.

20 The Court will retain Plaintiff's civil rights Complaint (ECF No. 1-1), but the Court will
21 not file the Complaint unless and until Plaintiff timely files a fully complete application to
22 proceed *in forma pauperis* with all three documents, or, alternatively, the first three pages
23 of the application to proceed *in forma pauperis* and a declaration detailing the efforts he
24 took to acquire the financial certificate and inmate account statement from facility officials,
25 or pays the full \$402 filing fee.

26 **II. CONCLUSION**

27 For the foregoing reasons, IT IS HEREBY ORDERED that the Clerk of the Court
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1 will send to Plaintiff the approved form for filing a § 1983 complaint, instructions for the
2 same, and a copy of his original document at ECF No. 1-1.

3 IT IS FURTHER ORDERED that Plaintiff will have until on or before **January 28,**
4 **2022** to submit complaint to the Court in compliance with LSR 2-1.

5 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint in compliance
6 with LSR 2-1 on or before **January 28, 2022**, this case will be subject to dismissal without
7 prejudice for Plaintiff to refile the case with the Court, under a new case number, when
8 Plaintiff is able to file a complaint in compliance with LSR 2-1.

9 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
10 approved form application to proceed *in forma pauperis* by an inmate, as well as the
11 document entitled information and instructions for filing an *in forma pauperis* application.

12 IT IS FURTHER ORDERED that on or before **January 28, 2022**, Plaintiff shall either
13 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
14 administrative fee) or file with the Court:

15 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
16 Court's approved form (i.e., pages 1 through 3 of the form with the inmate's two
17 signatures on page 3),

18 (2) a **Financial Certificate** properly signed by both the inmate and a facility or jail
19 official (i.e., page 4 of this Court's approved form), and

20 (3) a copy of the **inmate's facility or jail trust fund account statement for the**
21 **previous six-month period**. If Plaintiff has not been at the facility a full six-month
22 period, Plaintiff must still submit an inmate account statement for the dates he has
23 been present at the facility.

24 IT IS FURTHER ORDERED that if Plaintiff is not able to obtain his financial certificate
25 and inmate account statement from facility officials, Plaintiff shall file the first three pages
26 of the application to proceed *in forma pauperis* together with a declaration detailing the
27 efforts he took to acquire the financial certificate and inmate account statement from facility
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1 officials.

2 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application
3 to proceed *in forma pauperis* with all three documents, or, alternatively, the first three pages
4 of the application to proceed *in forma pauperis* and a declaration detailing the efforts he
5 took to acquire the financial certificate and inmate account statement from facility officials,
6 or pay the full \$402 filing fee for a civil action on or before **January 28, 2022**, the Court will
7 recommend dismissal of this action without prejudice for Plaintiff to refile the case with the
8 Court, under a new case number, when Plaintiff has all three documents needed to file a
9 complete application to proceed *in forma pauperis*.

10 IT IS FURTHER ORDERED that the Clerk of the Court shall retain Plaintiff's civil
11 rights Complaint (ECF No. 1-1), but the Court will not file it at this time.

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13 DATED: November 29, 2021

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16 BREND A WEKSLER
17 UNITED STATES MAGISTRATE JUDGE
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